

AS

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 96-323-C - ORDER NO. 97-51
JANUARY 16, 1997

IN RE: Request of GTE South, Inc. for Approval) ORDER
of Revisions to its General Customer) APPROVING
Services Tariff (Tariff No. 96-332).) TARIFF

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of GTE South, Inc. (GTE or the Company) for approval of its Tariff No. 96-332 which would modify its General Customer Services Tariff. Under the tariff provisions, the Company would restructure its Basic Dial 1 Service (Message Telecommunications Service) into a new postalized format. Additionally, under the tariff, GTE is introducing a new residential and business calling plan which is called GTE Easy Savings Plan. Current calling plans that are approved would be grandfathered in this filing.

Subsequent to the filing of the tariff for approval, the Commission's Executive Director instructed the Company to cause to be published a prepared Notice of Filing in newspapers of general circulation in the area affected by the tariff. The Notice of Filing indicated the nature of the tariff and advised all interested parties desiring to participate in these proceedings of the manner and time in which to file their appropriate pleadings for participation. A Petition to Intervene was filed by AT&T of

the Southern States, Inc. (AT&T). AT&T then requested a hearing in the matter.

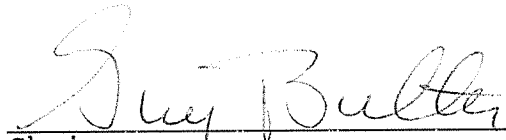
Prior to the hearing, however, a Stipulation was reached between GTE and AT&T. The Stipulation is attached hereto as Attachment A, and its contents are hereby incorporated herein as fully as if repeated herein. In the Stipulation, AT&T and GTE have come to an agreement on the various issues with regard to the tariff.

Subsequently, AT&T withdrew its request for a hearing, pursuant to the filing of the Stipulation.


We have examined this matter, and believe that the tariff as filed by GTE should be approved subject to the terms of the Stipulation between GTE and AT&T.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)

BEFORE THE

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

In Re: GTE South Incorporated)	
Tariff No. 96-332, General Customer)	Docket No. 96-323-C
Services Tariff)	

**STIPULATION BY GTE SOUTH INCORPORATED
AND
AT&T COMMUNICATIONS OF THE SOUTHERN STATES, INC.**

1. Heretofore, on October 3, 1996, GTE South Incorporated ("GTE") filed with the Public Service Commission of South Carolina ("Commission") revisions to its general customer services tariff. These revisions dealt with, among other things, the GTE Easy Savings PlanSM and GTE Easy Savings PlanSM for Business. The revisions, as originally filed by GTE, prohibited resale of those two services.

2. With regard to the resale of services, the Telecommunications Act of 1996 ("Federal Act") provides, in pertinent part, as follows:

Sec. 251(b) OBLIGATIONS OF ALL LOCAL EXCHANGE CARRIERS. Each local exchange carrier has the following duties:

(1) RESALE. -- The duty not to prohibit and not to impose unreasonable or discriminatory conditions or limitations on the resale of its telecommunications services.

...

(c) ADDITIONAL OBLIGATIONS OF INCUMBENT LOCAL EXCHANGE CARRIERS. -- In addition to the duties contained in subsection (b), each incumbent local exchange carrier has the following duties:

...

(4) RESALE. -- The duty -

(A) to offer for resale at wholesale rates any telecommunications service that the carrier provides at retail to subscribers who are not telecommunications carriers; and

(B) not to prohibit, and not to impose unreasonable or discriminatory conditions or limitations on, the resale of such telecommunications service....

Under the definitions of the Federal Act, GTE is a Local Exchange Carrier and an Incumbent Local Exchange Carrier within its service areas in South Carolina.

The Federal Act further provides in Section 252 with respect to pricing of services for resale as follows:

(d) PRICING STANDARDS. --

...

(3) W H O L E S A L E P R I C E S F O R
TELECOMMUNICATIONS SERVICES. -- For the purposes of Section 251(c)(4), a State Commission shall determine wholesale rates on the basis of retail rates charged to subscribers for the telecommunications service requested, excluding the portion thereof attributable to any marketing, billing, collection, and other costs that would be avoided by the local exchange carrier.

3. On October 17, 1996, AT&T Communications of the Southern States, Inc. ("AT&T") intervened in this proceeding.

4. GTE and AT&T now agree and stipulate as follows:

(A) GTE has filed revised pages to this Tariff in order to delete from the Tariff revisions as originally filed S18.8.3(a). and S18.9.3(a)., which prohibited resale of the GTE Easy Savings PlanSM and the GTE Easy Savings PlanSM for Business.

(B) GTE has, in the refiled Tariff, added the paragraph below as S18.1(b).

When Long Distance Message Telecommunications Service is provided for resale, a discount of 5% will apply. This discount applies only to Two-Point Service and does not include associated services. GTE Discount Calling Plans, GTE Easy Savings PlanSM, and GTE Easy Savings PlanSM for Business are available for resale at tariffed rates and must be applied on a per customer (end-user) basis. The resale provisions will be available upon completion of Company and reseller arrangements. Services and facilities will be provided to public resellers only in instances where the reseller can demonstrate its authority to operate.

Such authority can only be demonstrated by providing the Company a copy of the reseller's certification as issued by the South Carolina Public Service Commission.

(C) Nothing contained in this Stipulation shall in any way affect the provisions of the Stipulation filed by GTE and AT&T with the Commission in Docket No. 96-207-C.

(D) In any future negotiation (and conceivably mediation and arbitration) of rates, as contemplated by the Federal Act, specifically including wholesale prices for telecommunications services referred to above, GTE will not assert that its said Tariff is a binding precedent upon AT&T or that the 5% discount from retail rates, in pricing wholesale services, is an appropriate calculation of avoided costs under said Tariff. The Commission approval, sought for a discount in this matter, will be used until negotiated rates (including avoided costs) are achieved.

(E) GTE will negotiate (and, if necessary, mediate and arbitrate) in good faith with AT&T, in calculating avoided costs to be utilized in determining the appropriate rates for wholesale services.

This Stipulation is agreed to by and between GTE and AT&T this 16th day of December, 1996.

Witness

GTE South Incorporated

Wanda L. Rodgers

Mari L. Davis
Its:

Witness

AT&T Communications of the Southern States, Inc.

Sam A. Yates

Francis O. Allen
Its: Attorney